THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :14754 OF 2007

DATED:06-09-2007

BETWEEN:

Mukku Venkata Laxmamma & 2 others.

..... PETITIONERS

AND

The Revenue Divisional Officer,
Narasaraopet,
Guntur District & another.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the order of the 1st respondent in Rc.No.438/2007-A, dated 07-03-2007, as illegal, and arbitrary.

3. It is the case of the petitioners that they are the D-form patta holders of an extent of Ac.1.50 cents; Ac.1.33 cents; and Ac.1.50 respectively in Sy.No.170 situated at Naragayapalem village, Vinukonda mandal, Guntur District vide proceedings in D.K.No.1/1406; D.K.No.3/1406; and D.K.No.2/1406 respectively issued by the Mandal Revenue Officer, Vinukonda on 12-08-1996. It is stated that the petitioners are in peaceful possession and enjoyment of the said land and whileso, the 1st respondent-Revenue Divisional Officer, Narasaraopet by order in Rc.No.438/2007-A, dated 07-03-2007, cancelled the said assignment of the land made in favour of the petitioners.

4. Admittedly, a perusal of the said order goes to show that no notice was issued to the petitioners. The reason shown for cancelling the assignment of patta is that the said assignment was illegally made in favour of the petitioners without any changes in

the record and without prepared S.D.Record and presently, the villagers are requesting to utilize the said land for burial ground purpose.

5. I am of the opinion that principles of natural justice cannot be dispensed with, however, illegality is there in assigning the said land, but when the assignment was made as early as in 1996 I am of the opinion that without giving any notice cancelling the said assignment of the land as per the impugned order, dated 07-03-2007, cannot be sustained. Therefore, the said order in Rc.No.438/2007-A, dated
07-03-2007, is set aside.

6. Accordingly, Writ Petition is allowed keeping it open for the respondents to take appropriate action in accordance with law after following due process of law. There shall be no order as to costs.

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V.ESWARAIAH,J

06th September, 2007.
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